

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED-CLERK  
U.S. DISTRICT COURT

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V.

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LOWE'S HOME IMPROVEMENT, INC.

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CASE NO. 4:04CV224  
(Judge Schell/Judge Bush)

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

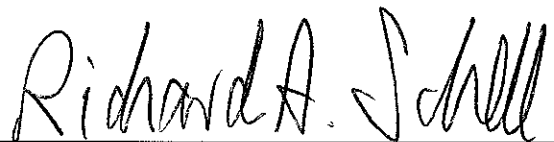
Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On June 14, 2005, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that the above titled and numbered cause of action be DISMISSED with prejudice for Plaintiff's want of prosecution, failure to comply with the Federal Rules of Civil Procedure, and failure to respond to Defendant's requests for discovery.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that the above titled and numbered cause of action is DISMISSED with prejudice for the reasons stated above. It is further

**ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**SIGNED** this 12<sup>th</sup> day of July, 2005.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE